



General Assembly

**Substitute Bill No. 5021**

February Session, 2004

\*        HB05021JUD        040504        \*

**AN ACT MAKING CERTAIN REFORMS UNDER THE STATE CODES OF ETHICS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 1-81 of the general statutes is amended by adding  
2       subsection (c) as follows (*Effective July 1, 2004*):

3       (NEW) (c) The commission may enter into contractual agreements,  
4       as may be necessary for the discharge of its duties, within the limits of  
5       its appropriated funds and in accordance with established procedures.

6       Sec. 2. Subsection (d) of section 1-82 of the general statutes is  
7       repealed and the following is substituted in lieu thereof (*Effective July*  
8       *1, 2004, and applicable to violations committed on or after said date*):

9       (d) No complaint may be made under this section except within  
10       [three] five years next after the violation alleged in the complaint has  
11       been committed.

12       Sec. 3. Subsection (i) of section 1-84 of the general statutes, as  
13       amended by section 146 of public act 03-6 of the June 30 special  
14       session, is repealed and the following is substituted in lieu thereof  
15       (*Effective July 1, 2004*):

16       (i) No public official or state employee or member of [his] the  
17       official or employee's immediate family or a business with which he is

18 associated shall enter into any contract with the state, valued at one  
19 hundred dollars or more, other than a contract of employment as a  
20 state employee or pursuant to a court appointment, unless the contract  
21 has been awarded through an open and public process, including prior  
22 public offer and subsequent public disclosure of all proposals  
23 considered and the contract awarded. In no event shall an executive  
24 head of an agency, as defined in section 4-166, including a  
25 commissioner of a department, or an executive head of a quasi-public  
26 agency, as defined in section 1-79, or [his] the executive head's  
27 immediate family or a business with which he is associated enter into  
28 any contract with that agency or quasi-public agency. Nothing in this  
29 subsection shall be construed as applying to any public official who is  
30 appointed as a member of the executive branch or as a member or  
31 director of a quasi-public agency and who receives no compensation  
32 other than per diem payments or reimbursement for actual or  
33 necessary expenses, or both, incurred in the performance of [his] the  
34 public official's duties unless such public official has authority or  
35 control over the subject matter of the contract. Any contract made in  
36 violation of this subsection shall be voidable by a court of competent  
37 jurisdiction if the suit is commenced within [ninety] one hundred  
38 eighty days of the making of the contract.

39 Sec. 4. Section 1-84 of the general statutes, as amended by section  
40 146 of public act 03-6 of the June 30 special session, is amended by  
41 adding subsection (p) as follows (*Effective July 1, 2004*):

42 (NEW) (p) No public official or state employee, in such official's or  
43 employee's official capacity, shall knowingly or recklessly, counsel,  
44 authorize or otherwise sanction action that violates any provision of  
45 this part.

46 Sec. 5. Subsections (f) and (g) of section 1-84b of the general statutes,  
47 as amended by section 146 of public act 03-6 of the June 30 special  
48 session, are repealed and the following is substituted in lieu thereof  
49 (*Effective July 1, 2004*):

50 (f) (1) No former public official or state employee [(1)] (A) who  
51 participated substantially in the negotiation or award of [(A)] (i) a state  
52 contract valued at an amount of fifty thousand dollars or more, or [(B)]  
53 (ii) a written agreement for the approval of a payroll deduction slot  
54 described in section 3-123g, or [(2)] (B) who supervised the negotiation  
55 or award of such a contract or agreement, shall accept employment  
56 with a party to the contract, [or] agreement or negotiation other than  
57 the state for a period of one year after [his] the public official's or state  
58 employee's resignation from [his] state office or [position if his] state  
59 employment if such resignation occurs less than one year after [the  
60 contract or agreement is signed] the earlier of (i) the date the contract  
61 or agreement is signed, or (ii) the date the official or employee ceases  
62 to supervise, or participate substantially in, the negotiation or award of  
63 the contract or agreement, as determined by regulations which the  
64 commission shall adopt, in accordance with chapter 54.

65 (2) No party to the contract may employ a public official or state  
66 employee if such employment would violate subdivision (1) of this  
67 subsection.

68 (g) (1) No member or director of a quasi-public agency who  
69 participates substantially in the negotiation or award of a contract  
70 valued at an amount of fifty thousand dollars or more, or who  
71 supervised the negotiation or award of such a contract, shall seek,  
72 accept, or hold employment with a party to the contract or negotiation  
73 for a period of one year after [the signing of the contract] the earlier of  
74 (A) the date the contract is signed, or (B) the date the member or  
75 director ceases to participate substantially in the negotiation or award  
76 of the contract, as determined by regulations which the commission  
77 shall adopt, in accordance with chapter 54.

78 (2) No party to the contract may employ a member or director if  
79 such employment would violate subdivision (1) of this subsection.

80 Sec. 6. Subsections (a) and (b) of section 1-88 of the general statutes  
81 are repealed and the following is substituted in lieu thereof (*Effective*

82 July 1, 2004):

83 (a) The commission, upon a finding made pursuant to section 1-82,  
84 as amended by this act, that there has been a violation of any provision  
85 of this part, shall have the authority to order the violator to do any or  
86 all of the following: (1) Cease and desist the violation of this part; (2)  
87 file any report, statement or other information as required by this part;  
88 and (3) pay a civil penalty of not more than [two] ten thousand dollars  
89 for each violation of this part.

90 (b) Notwithstanding the provisions of subsection (a) of this section,  
91 the commission may, after a hearing conducted in accordance with  
92 sections 4-176e to 4-184, inclusive, upon the concurring vote of five of  
93 its members, impose a civil penalty not to exceed ten dollars per day  
94 upon any individual who fails to file any report, statement or other  
95 information as required by this part. Each distinct violation of this  
96 subsection shall be a separate offense and in case of a continued  
97 violation, each day thereof shall be deemed a separate offense. In no  
98 event shall the aggregate penalty imposed for such failure to file  
99 exceed [two] ten thousand dollars.

100 Sec. 7. Subsection (d) of section 1-93 of the general statutes is  
101 repealed and the following is substituted in lieu thereof (*Effective July*  
102 *1, 2004, and applicable to violations committed on or after said date*):

103 (d) No complaint may be made under this section except within  
104 [three] five years next after the violation alleged in the complaint has  
105 been committed.

106 Sec. 8. Subsections (a) and (b) of section 1-99 of the general statutes  
107 are repealed and the following is substituted in lieu thereof (*Effective*  
108 *July 1, 2004*):

109 (a) The commission, upon a finding made pursuant to section 1-93,  
110 as amended by this act, that there has been a violation of any provision  
111 of this part, shall have the authority to order the violator to do any or  
112 all of the following: (1) Cease and desist the violation of this part; (2)

113 file any report, statement or other information as required by this part;  
 114 or (3) pay a civil penalty of not more than [two] ten thousand dollars  
 115 for each violation of this part. The commission may prohibit any  
 116 person who intentionally violates any provision of this part from  
 117 engaging in the profession of lobbyist for a period of not more than  
 118 two years. The commission may impose a civil penalty on any person  
 119 who knowingly enters into a contingent fee agreement in violation of  
 120 subsection (b) of section 1-97 or terminates a lobbying contract as the  
 121 result of the outcome of an administrative or legislative action. The  
 122 civil penalty shall be equal to the amount of compensation which the  
 123 registrant was required to be paid under the agreement.

124 (b) Notwithstanding the provisions of subsection (a) of this section,  
 125 the commission may, after a hearing conducted in accordance with  
 126 sections 4-176e to 4-184, inclusive, upon the concurring vote of five of  
 127 its members, impose a civil penalty not to exceed ten dollars per day  
 128 upon any registrant who fails to file any report, statement or other  
 129 information as required by this part. Each distinct violation of this  
 130 subsection shall be a separate offense and, in case of a continued  
 131 violation, each day thereof shall be deemed a separate offense. In no  
 132 event shall the aggregate penalty imposed for such failure to file  
 133 exceed [two] ten thousand dollars.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004, and applicable to violations committed on or after said date</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>
Sec. 5	<i>July 1, 2004</i>
Sec. 6	<i>July 1, 2004</i>
Sec. 7	<i>July 1, 2004, and applicable to violations committed on or after said date</i>
Sec. 8	<i>July 1, 2004</i>

**JUD**      *Joint Favorable Subst.*

